

Appl. No. : 10/674,651
Filed : September 29, 2003

REMARKS

Claims 1, 15-16, 33-34, and 43-49 are pending and stand rejected on a variety of grounds, each of which is addressed below. Claims 1 and 33 are amended herein, to clarify that the gas outlet is in communication with a vapor deposition reactor. The amendments are fully supported by the specification, for example, at ¶ [0042]. Claim 33 has also been amended to clarify that the by-pass conductance route is through the bubble tube. Support for this amendment can be found, for example, at ¶ [0053]. No new matter is added by these Amendments.

Response to Rejections under 35 U.S.C. § 102(b)

Macey

In the December 5, 2005 Office Action, Claims 1, 15, 16, 33, 34, and 44-46 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,103,789 to Macey. Applicant respectfully traverses the rejection because Macey fails to teach or suggest, either expressly or inherently, each of the features of the rejected Claims.

Claim 1

The Examiner found that the outlet 29 of Macey anticipates the “gas outlet” recited in Claim 1. However, Macey does not teach or suggest an apparatus comprising a “gas outlet communicating with a vapor deposition reactor,” as recited in amended Claim 1. There is no teaching or suggestion in Macey that the outlet 29 could be usefully connected to a vapor deposition reactor, and in fact, the only vapor species taught by Macey (e.g., gasolene [sic]) would not be suitable for vapor deposition.

As the outlet 29 of Macey is not “communicating with a vapor deposition reactor,” Applicant submits that Claim 1 is not anticipated by Macey and respectfully requests that the Examiner withdraw the rejection.

Claims 15, 16, and 44-46

As described above, Claim 1 is not anticipated by Macey. Claims 15, 16 and 44-46 depend directly or indirectly from Claim 1, and thus each include all of the features of Claim 1 and recite unique combinations of features not taught or suggested by the cited art. Therefore, Applicant respectfully requests that the Examiner withdraw the rejections of Claims 15-16 and 44-46 as well.

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Claims 33 and 34

The Examiner also found that the outlet 29 of Macey anticipates the “gas outlet communicating” recited in amended Claim 33. As discussed above with regard to Claim 1, Macey does not teach or suggest an apparatus comprising a “gas outlet communicating with a vapor deposition reactor.” As this feature is also recited in Claim 33, Applicant submits that Claim 33 is not anticipated by Macey and requests that the Examiner withdraw the rejection of Claim 33. Claim 34 depends from Claim 33 and thus the rejection of this Claim should be withdrawn as well.

Utigard

In the December 5, 2005 Office Action, Claims 1, 15, 16, 33, 34, 43-46, and 49 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,231,641 to Utigard et al. Applicant respectfully traverses the rejection because Utigard fails to teach or suggest, either expressly or inherently, each of the features of the rejected Claims.

Claims 1, 15, 16, 43, 46, and 49

The Examiner found that the riser 12 of Utigard anticipates the “gas outlet” recited in Claim 1. However, Utigard does not teach or suggest an apparatus comprising a “gas outlet communicating with a vapor deposition reactor,” as recited in amended Claim 1.

Utigard is concerned with copper production within a furnace 10 and thus does not teach or suggest that the riser 12 could be usefully connected to a vapor deposition reactor. Further, the vapor species taught by Utigard (e.g., exhaust gases including sulfur dioxide) would not be suitable for vapor deposition. Utigard never teaches or suggests the disposition of the exhaust gases other than to say that they may be ultimately removed from the furnace. *See* Utigard at col. 4, ll. 32-33 & 54-57. Because the riser 12 of Utigard is not in communication with a vapor deposition reactor. Claim 1 is not anticipated by Utigard and Applicant respectfully request withdrawal of this rejection. The remaining Claims depend directly or indirectly from Claim 1 and thus the rejection of these Claims should be withdrawn as well.

Claims 33 and 34

The Examiner also found that the riser 12 of Utigard anticipates the “gas outlet” recited in Claim 33. As explained above, Utigard does not teach or suggest an apparatus comprising a “gas outlet communicating with a vapor deposition reactor,” as recited in amended Claim 33.

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Therefore, for at least the reasons provided with respect to Claim 1, Applicant submits that Claim 33 is not anticipated by Utigard and requests that the Examiner withdraw the rejection of Claim 33. As Claim 34 depends from Claim 33, thus rejection should be withdrawn as well.

Response to Rejections under 35 U.S.C. § 103(a)

In the December 5, 2005 Office Action, Claims 47 and 48 were rejected under 35 U.S.C. § 103(a) as being obvious over Utigard. Applicant respectfully traverses the rejection because Utigard fails to teach or suggest all of the features of the Claims.

Claims 47 and 48

As described above, Claim 1 is not anticipated by Utigard. Claims 47 and 48 depend from Claim 1. Thus, Claims 47 and 48 each include all of the features of Claim 1 and recite a unique combination of features not taught or suggested by the cited art. No reference has been provided that make up for the deficiencies of Utigard. Therefore, Applicant respectfully requests that the Examiner withdraw the rejections of Claims 47 and 48.

Summary

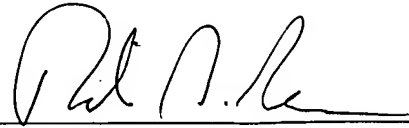
Applicant respectfully submits that, for the reasons provided above all of the pending Claims are in condition for allowance. Applicant respectfully requests that the Examiner withdraw the rejections of the pending Claims and pass the Application to allowance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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